

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

EXXON MOBIL CORPORATION;
EXXONMOBIL DEVELOPMENT COMPANY;
and EXXONMOBIL OIL CORPORATION,

Plaintiffs,

- against -

STEVEN MNUCHIN, in his official capacity as the Secretary of the United States Department of the Treasury; JOHN E. SMITH, in his official capacity as the Director of the United States Department of the Treasury's Office of Foreign Assets Control; and UNITED STATES DEPARTMENT OF THE TREASURY'S OFFICE OF FOREIGN ASSETS CONTROL,

Defendants.

Civ. No. 3:17-cv-1930
The Honorable Jane Boyle
Magistrate Judge Renee Harris Toliver

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF MOTION TO COMPEL COMPLETION OF THE ADMINISTRATIVE RECORD

Plaintiffs Exxon Mobil Corporation, ExxonMobil Development Company, and ExxonMobil Oil Corporation file this Notice of Supplemental Authority to alert the Court to a recent decision in *Regents of the University of California v. U.S. Department of Homeland Security*, Nos. C 17-05211, -05235, -05329, -05380, and -05813 (N.D. Cal.), a case cited by Plaintiffs in their Memorandum of Law in Support of their Motion to Compel Completion of the Administrative Record. *See* ECF 24 at 15-16. On remand, following a December 20, 2017 order from the U.S. Supreme Court vacating an order of the U.S. Circuit Court of Appeals for the Ninth Circuit that denied defendants' petition for a writ of mandamus, District Judge William Alsup of the U.S. District Court for the Northern District of California issued an order on March

8, 2018, reaffirming the court's prior order of October 17, 2017 that required the government to produce certain categories of materials as part of the administrative record and provide a log identifying any documents withheld on privilege grounds. *See Renewed Order to Complete the Administrative Record at 8, 10, Regents of the Univ. of Cal. v. U.S. Dep't of Homeland Security*, Nos. C 17-05211, -05235, -05329, -05380, and -05813 (N.D. Cal. Mar. 8, 2018), ECF 266, attached hereto as Exhibit A. In accordance with the Supreme Court's observation that defendants had raised concerns about the breadth of portions of the October 17 order, the district court narrowed a subset of the materials it had previously required the government to produce, *see id.* at 2, 8, and restated that the government must produce all remaining materials addressed in its prior order and provide a privilege log with respect to any documents withheld on privilege grounds.

Dated: Dallas, Texas
March 15, 2018

By: /s/ Nina Cortell

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CERTIFICATE OF SERVICE

This is to certify that on this 15th day of March 2018, a true and correct copy of the foregoing document was filed electronically via the CM/ECF system, which gave notice to all counsel of record pursuant to Local Rule 5.1(d).

/s/ Nina Cortell

Nina Cortell